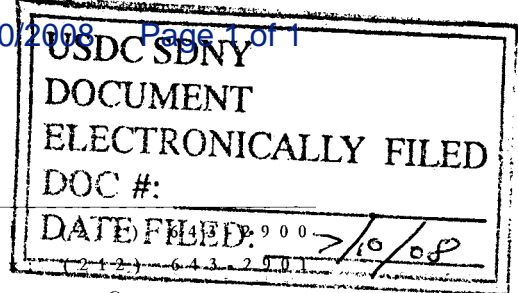


**MICHAEL HUESTON**  
ATTORNEY AT LAW

350 FIFTH AVENUE, SUITE 4810  
EMPIRE STATE BUILDING  
NEW YORK, NEW YORK 10118

Te (212) 643-2901  
Fa (212) 643-2901  
Email: mhueston@nyc.rr.com



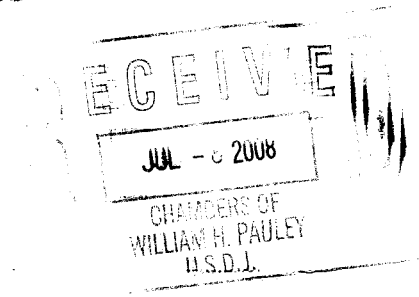
ADMITTED NY  
MICHAEL KUSHNER,  
OF COUNSEL

**MEMO ENDORSED**

July 6, 2008

VIA HAND DELIVERY

Honorable William H. Pauley III  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007



Re: Darryl Nicks v. The City of New York et al., 07-cv-10596 (WHP)

Your Honor:

I represent the plaintiff in the above-referenced matter along with Michael Hueston. I write on behalf of the parties to request an extension of the discovery deadline from July 31, 2008 until August 21, 2008. This is the parties' first request for an extension of the discovery deadline and no other deadlines will be affected by this extension. A.C.C. Karl Ashanti has consented to this request.

This extension is necessary because the plaintiff's counsel is unable to consult with plaintiff because he is an inmate with the New York State Department of Correctional Services ("DOC"), who is scheduled to be transferred on or about July 9, 2008, from Adirondack Correctional Facility ("ACF"). Plaintiff's counsel had arranged for a telephone conference to take place last week with plaintiff to discuss a settlement offer and discovery matters. However, counselor Walt Finnegan informed counsel that the conference would not occur because a security issue required Mr. Nicks' transfer from ACF. Because of DOC policy, Mr. Nicks' new facility designation will not be disclosed until several days after his transfer has taken place, and we will be unable to contact plaintiff by telephone or mail until that information is publicized.

*Application granted.*  
**SO ORDERED:**

Respectfully submitted,

*William H. Pauley III*  
**WILLIAM H. PAULEY III U.S.D.J.**  
*7/8/08*

/s/Michael P. Kushner  
Michael P. Kushner (MK 6117)  
Direct Dial: 212.378.4326

Cc: A.C.C. Karl Ashanti (VIA FACSIMILE)